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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/761,866
Applicant : Helmuth GABL
Filed : January 21, 2004
Title : PROCESS AND DEVICE FOR AERATING SUSPENSIONS

TC/A.U. : 1724
Examiner : Thomas M. Lithgow

Docket No. : ANDPAT/180/US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This responds to the Official Action dated July 3, 2006, in which a restriction requirement was imposed as between claim Group I (claims 1-18) drawn to a process for removing impurities and recovering solids, and claim Group II (claims 19-29) drawn to an aeration apparatus for removing impurities and recovering solids.

Applicant elects claim Group II, with traverse. The examiner's basis for imposing the restriction requirement is that the inventions are distinct, because apparatus as claimed can be used to practice a materially different process than the claimed process, "such as the purification of waste water". Applicant respectfully disagrees. Both the claimed process and the claimed apparatus can be used for the purification of waste water, because such waste water falls within the term "feed suspension of recoverable solids".

Mailing Certificate

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Date:

August 2, 2006


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ANDPAT/180/US

The examiner appears to concede that the inventions are not independent, but alleges that they are distinct.

Applicant notes that the mere fact that some claims require a search in a different class than other claims, does not necessarily justify a restriction requirement. The examiner has recognised this in numbered paragraphs four and five, in which the premise for the restriction is that "because these inventions are independent or distinct for the reasons given above". Inasmuch as the reason given by the examiner for "distinct" is not valid, the restriction requirement is likewise not valid.

Accordingly, applicant requests that all claims 1-29 be examined in the pending application.

Respectfully submitted,
Helmuth GABL

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